

EXHIBIT A

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

WARREN HRAGYIL

Plaintiff,

V.

RONALD PERRYIN

Serve:

8551 N. Boardwalk Ave.

Kansas City, MO 64154

WALMART STORES EAST LP d/b/a

WALMART STORE #2857

Serve Registered Agent:

CT Corporation System

120 S. Central Ave.

Clayton, MO 63105

Defendant.

Case No.:

Div.

PETITION FOR DAMAGES

COMES NOW Plaintiff by and through his attorneys, and states the following claims for relief against the defendant, as follows:

1. At all times mentioned herein, Plaintiff resided at 7705 N. Everton Ave., Kansas City, MO 64152.

2. Defendant Walmart East LP d/b/a Walmart Store #2857, is a limited partnership that is and has transacted business within the state of Missouri, made contracts within the state of Missouri, and has committed a tortious act within the state of Missouri and, therefore, may be served with process by serving registered agent CT Corporation System at 120 S. Central Avenue Clayton, Missouri 63105.

3. Upon information and belief, defendant Ronald Perryn is a resident of Kansas City, Missouri, and can be served by the Platte County Sheriff's Department at Walmart located at the above-referenced address.

4. At all relevant times herein, defendant Perryn was an employee and working within the course and scope of his employment with Defendant Walmart.

5. Jurisdiction and venue are vested in this court in that the occurrence happened in Kansas City, Platte County, Missouri.

6. At all times herein mentioned, defendant Walmart was the owner and/or possessor of the store property located at 8551 North Boardwalk Ave., Kansas City, Missouri 64154.

7. On October 5, 2013, Plaintiff was an invitee and customer at the subject property.

8. While Plaintiff was entering Walmart, a shoplifting suspect, who had been stopped by defendant Perryn for questioning near an exit, fled the store and knocked Plaintiff to the ground.

9. That as a direct and proximate result of the negligence of Defendants, Plaintiff has suffered the following injuries and damages:

- a. Plaintiff suffered extensive injuries to his right shoulder and right upper extremity;
- b. Plaintiff has incurred in the past medical expenses and will incur medical expenses in the future, the exact amount of which is unknown at this time;
- c. Plaintiff has suffered pain, mental anguish, inconvenience, physical impairment, disfigurement, disrupted and diminished sleep, diminished ability to earn income, and loss of capacity to enjoy life as a direct result of the aforementioned injuries.

- d. The injuries to Plaintiff are permanent and progressive all to the damage of Plaintiff in excess of \$25,000.00.

COUNT I

10. Plaintiff hereby adopts by reference each and every allegation contained in paragraphs 1 through 9 of this petition.

11. Defendants owed a duty to protect their customers, including Plaintiff, from unreasonable risks of harm.

12. Defendant Perryn, acting in the course and scope of his employment with Defendant Walmart, stopped a suspected shoplifter at or near the store's entrance/exit that was being used by store customers, including Plaintiff.

13. Defendants knew or by using ordinary care should have known that an attempt to stop a suspected shoplifter near a high-traffic area where customers entered and exited the store would subject innocent customers, including Plaintiff, to an unreasonable risk of injury.

14. Defendants were negligent and failed to use ordinary care to protect their customers, including Plaintiff, from an unreasonable risk of injury in the following particulars:

- a. approaching and/or stopping a suspected shoplifter in close proximity to the store's entrance/exit that was being used by store customers;
- b. failing to warn customers to clear the entrance/exit area to the store before its employee and/or agent approached a shoplifting suspect;
- c. failing to follow store policies and/or procedures directed to approaching or stopping suspected shoplifters in close proximity to the store's entrance/exit;
- d. in other such ways as may be proven by the evidence.

15. Defendants' negligence directly caused Plaintiff's injuries and damages as set forth in paragraph 9, above.

WHEREFORE, Plaintiff prays for judgment against the Defendants in an amount in excess of \$25,000.00 and for such other and further relief as the court deems just and proper.

PLAINTIFF HEREBY DEMANDS A JURY TRIAL

Respectfully Submitted,

SCHMITT MULHERN, LLC



Ben T. Schmitt MO# 36828
Matthew F. Mulhern MO# 36764
Lesley Renfro Willson MO# 42843
3100 Broadway, Ste. 1420
Kansas City, Missouri 64111
816.389.4014
816.389.4015 (facsimile)
ben@injuryattorneysm.com
matt@injuryattorneysm.com
lesley@injuryattorneysm.com

Erica N. Perkin
THE PERKIN LAW FIRM, LC
4745 W. 136th St., Suite 100
Leawood, Kansas 66224
816.225.0323
913-402-6001 (facsimile)
EP@PerkinLawKC.com

ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

WARREN HRAGYIL

Plaintiff,

V.

RONALD PERRYIN

Serve:

8551 N. Boardwalk Ave.

Kansas City, MO 64154

WALMART STORES EAST LP d/b/a

WALMART STORE #2857

Serve Registered Agent:

CT Corporation System

120 S. Central Ave.

Clayton, MO 63105

Defendant.

Case No.:

Div.

ENTRY OF APPEARANCE AND DESIGNATION OF LEAD COUNSEL

COMES NOW Ben T. Schmitt of Schmitt Mulhern, LLC, and hereby enters his appearance as lead counsel for plaintiff Warren Hragyil in the above-referenced matter.

Respectfully submitted,

SCHMITT MULHERN, LLC



Ben T. Schmitt MO#36828

Matthew F. Mulhern MO#36764

Lesley Renfro Willson MO#42843

3100 Broadway, Suite 1420

Kansas City, Missouri 64111

Phone 816-389-4014

Fax 816-389-4015

ben@injuryattorneysm.commatt@injuryattorneysm.comlesley@injuryattorneysm.com

ATTORNEYS FOR PLAINTIFF

WARREN HRAGYIL



IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

NOTICE
SETTING ON CALENDAR

STATE OF MISSOURI)
) ss
COUNTY OF PLATTE)

CASE NO: 14AE-CV03729
NATURE OF SUIT: CC Pers Injury-Other

WARREN A HRAGYIL
Plaintiff/Petitioner

v.

RONALD PERRYIN
WALMART STORES EAST LP D/B/A WALMART STORE #2857
Defendant/Respondent

TO:

WARREN A HRAGYIL 7705 N EVERTON AVENUE KANSAS CITY, MO 64152	RONALD PERRYIN WALMART STORES EAST LP D/B/A WALMART STORE #2857 8551 N BOARDWALK AVE KANSAS CITY, MO 64151	MATTHEW F. MULHERN 1000 WALNUT KANSAS CITY, MO 64106	
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You are hereby notified that the referenced case has been set on the calendar as follows:

Division: DIVISION 2 COURT ROOM
Date: 20-MAR-2015
Time: 09:00 AM
Setting: 90 DAY DOCKET CALL

Date: 17-DEC-2014

SANDRA L. DOWD
Circuit Clerk, Platte County



IN THE 6TH JUDICIAL CIRCUIT COURT, PLATTE COUNTY, MISSOURI

Judge or Division: JAMES W VAN AMBURG	Case Number: 14AE-CV03729
Plaintiff/Petitioner: WARREN A HRAGYIL	Plaintiff's/Petitioner's Attorney/Address MATTHEW F. MULHERN 1000 WALNUT KANSAS CITY, MO 64106
Defendant/Respondent: RONALD PERRYIN	Court Address: 415 3RD STREET SUITE 5 PLATTE CITY, MO 64079
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: RONALD PERRYIN

8551 N BOARDWALK AVE
KANSAS CITY, MO 64151

COURT SEAL OF



PLATTE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

Wednesday, December 17, 2014
Date

Sandra L. Dowd, CC BY:

/s/Rebecca I Bradley, DC
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with
a person of the Defendant's/Respondent's family over the age of 15 years.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____ (name) _____ (title).

☐ other _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____
Date Notary Public

Sheriff's Fees

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary \$ _____
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 6TH JUDICIAL CIRCUIT COURT, PLATTE COUNTY, MISSOURI

Judge or Division: JAMES W VAN AMBURG	Case Number: 14AE-CV03729
Plaintiff/Petitioner: WARREN A HRAGYIL	Plaintiff's/Petitioner's Attorney/Address MATTHEW F. MULHERN 1000 WALNUT KANSAS CITY, MO 64106
Defendant/Respondent: RONALD PERRYIN	Court Address: 415 3RD STREET SUITE 5 PLATTE CITY, MO 64079
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: WALMART STORES EAST LP D/B/A WALMART STORE #2857

SERVE R/A: CT CORP SYSTEM
120 S CENTRAL AVE
CLAYTON, MO 63105

COURT SEAL OF



PLATTE COUNTY

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/s/Rebecca I Bradley, DC

Wednesday, December 17, 2014
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Clerk

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ _____
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$._____ per mile)
 Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 6TH JUDICIAL CIRCUIT COURT, PLATTE COUNTY, MISSOURI

Return SB
Y18

Judge or Division: JAMES W VAN AMBURG	Case Number: 14AE-CV03729
Plaintiff/Petitioner: WARREN A HRAGYIL	Plaintiff's/Petitioner's Attorney/Address MATTHEW F. MULHERN 1000 WALNUT KANSAS CITY, MO 64106
Defendant/Respondent: RONALD PERRY	Court Address: 415 3RD STREET SUITE 5 PLATTE CITY, MO 64079
Nature of Suit: CC Pers Injury-Other	

3064
FILED
JAN 09 2015
SANDRA L DOWD
Clerk of the Circuit Court, Platte County, MO

Summons in Civil Case

The State of Missouri to: WALMART STORES EAST LP D/B/A WALMART STORE #2857

SERVE R/A: CT CORP SYSTEM
120 S CENTRAL AVE
CLAYTON, MO 63105

30 CT CORP B

COURT SEAL OF



PLATTE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

Sandra L. Dowd, CC BY:

/s/Rebecca I Bradley, DC

Wednesday, December 17, 2014

Date

Clerk

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

☒ other LCW - B. LOVE (name) _____ (title).

Served at CT CORP, (address)
in St. Louis County (County/City of St. Louis), MO, on JAN 6 2015 (date) at 9AM (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees
Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary \$ _____
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$_____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Received
2014 DEC 24 PM 3:28
St. Louis County Sheriff's Office

DEC 24 2014

1/2/15

15-SMCC-2

SHERIFF'S RETURN OF SERVICE

COUNTY OF PLATTE

STATE OF MISSOURI



CASE #

14AECV03729

SANDRA L. DOWD
Clerk of the Circuit Court Platte County, MO

1) By delivering on the _____ day of _____, 2014 a copy of the application/petition to the within named respondent/defendant _____ at the following location: _____

at _____ hours.

2) By leaving on the _____ day of _____, 2014, for the within named respondent/defendant _____

of a copy of the application/petition and the order/summons at the respective dwelling place or usual place abode of said respondent / defendant with some person of his or her family over the age of 15 years _____, known to the respondent/defendant as _____

at the following location: _____ at _____ hours.

3) By making a proper and diligent search for and failing to find the within named respondent/defendant Ronald Parny

at 8581 N Boardwalk Kc, Mo.
for the reason that Attorney made no contact

on the 22nd day of January, 2014 at 1128 hours.

4) By summoning as garnishee _____ at _____

_____ by serving a copy of the execution and a copy of the summons to garnishee, on _____ on the _____ day of _____, 2014 at _____ hours.

5) By _____

on the _____ day of _____, 2014 at _____ hours.

All done in my county of Platte, State of Missouri

Fee: \$ 30.00
Mileage: \$ 20.00
Postage: \$
TOTAL DUE: \$

MARK S. OWEN, Sheriff
Platte County, Missouri

By: [Signature] A# 433
Deputy Sheriff

RTN02 (01/07/11)

Paper Type: **SUMMONS**

Service Type:

Issue Date: **12/17/2014**

Court Date:

Receive Date/Time: _____

Signature: **X** _____

Name: **PERRY RONALD**

Address: **8551 N BOARDWALK AVE
KANSAS CITY MO 64154**

Known To Frequent

Case No: **14AECV3729**

Foreign: ☐

SPECIAL SERVICE:

DATE	MILES	SERVICE	UNIT
1/8/15	1118	N/C	<i>[Signature]</i>
1/12/15	1326	N/C	<i>[Signature]</i>
1/15/15	1528	N/C	<i>[Signature]</i>

Comments:

5-10 Walmart

1-17



IN THE 6TH JUDICIAL CIRCUIT COURT, PLATTE COUNTY, MISSOURI


Judge or Division: JAMES W VAN AMBURG	Case Number: 14AE-CV03729
Plaintiff/Petitioner: WARREN A HRAGYIL	Plaintiff's/Petitioner's Attorney/Address MATTHEW F. MULHERN 1000 WALNUT KANSAS CITY, MO 64106
Defendant/Respondent: RONALD PERRY	Court Address: 415 3RD STREET SUITE 5 PLATTE CITY, MO 64079
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: RONALD PERRY

8551 N BOARDWALK AVE
KANSAS CITY, MO 64151

COURT SEAL OF

PLATTE COUNTY

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Sandra L. Dowd, CC BY:
/s/Rebecca I Bradley, DC
Clerk

Wednesday, December 17, 2014
Date

Further Information:

Sheriff's or Server's Return

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☐ other _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

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IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

WARREN HRAGYIL

Plaintiff,

V.

RONALD PERRY

Serve:

1319 NE 68th Ter.

Kansas City, MO 64118-2727

WALMART STORES EAST LP d/b/a

WALMART STORE #2857

Defendant.

Case No.: 14AE-CV03729

Div.: 2

REQUEST FOR ALIAS SUMMONS

I hereby request that an alias summons be issued by the circuit clerk in the case because the first summons was not served on defendant.

I am requesting an alias summons be issued for the following defendant:

- (1) Ronald Perry, at 1319 NE 68th Ter., Kansas City, MO, 64118-2727, CLAY COUNTY.

Date: February 2, 2015

Respectfully submitted,

SCHMITT MULHERN, LLC

/s/ Ben Schmitt

Ben T. Schmitt MO#36828

Matthew F. Mulhern MO#36764

Lesley Renfro Willson MO#42843

3100 Broadway, Suite 1420

Kansas City, Missouri 64111

Phone 816-389-4014

Fax 816-389-4015

ben@injuryattorneysm.com

matt@injuryattorneysm.com

lesley@injuryattorneysm.com

ATTORNEYS FOR PLAINTIFF



IN THE 6TH JUDICIAL CIRCUIT COURT, PLATTE COUNTY, MISSOURI


Judge or Division: JAMES W VAN AMBURG	Case Number: 14AE-CV03729
Plaintiff/Petitioner: WARREN A HRAGYIL	Plaintiff's/Petitioner's Attorney/Address MATTHEW F. MULHERN 1000 WALNUT KANSAS CITY, MO 64106
Defendant/Respondent: RONALD PERRYIN	Court Address: 415 3RD STREET SUITE 5 PLATTE CITY, MO 64079
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Alias Summons in Civil Case

The State of Missouri to: RONALD PERRYIN

1319 NE 68TH TER
KANSAS CITY, MO 64118-2727



COURT SEAL OF
CIRCUIT COURT OF MISSOURI
PLATTE COUNTY

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**Sandra L. Dowd, CC BY:
/s/Rebecca I Bradley, DC**

Monday, February 02, 2015
Date
Clerk

Further Information:

Sheriff's or Server's Return

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I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.